IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

Crl.MC.No. 517 of 2007()

CMP.524/2007 of JUDL.MAGISTRATE OF FIRST CLASS, KOYILANDY

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PETITIONERS:PETITIONER/COMPLAINANT

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1. KARIM, AGED 70 YEARS,
PADINHARAE PUTHIYOOTTIL HOUSE,
VIYYUR AMSOM, KODAKKATTUMURI DESOM,
KOYILANDY TALUK.

2. PATHUMMA, W/O.KARIM, AGED 57 YEARS,
PADINHARAE PUTHIYOOTTIL HOUSE,
VIYYUR AMSOM, KODAKKATTUMURI DESOM,
KOYILANDY TALUK.

3. PADINHARAE PUTHIYOTTIL MUHAMMED,
S/O.KARIM, AGED 38 YEARS,
VADAKKE VALAPPIL HOUSE,
KODAKKATTUMURI DESOM,
KOYILANDY TALUK.

4. RAZIYA, W/O.MUHAMMED,
AGED 35 YEARS, VADAKKE VALAPPIL HOUSE,
KODAKKATTUMURI DESOM,
KOYILANDY TALUK.

BY ADV. SRI.K.M.FIROZ

RESPONDENTS: RESPONDENTS/ACCUSED PERSONS/STATE

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1. NASEEMA, D/O.KARIM,
AGED 25 YEARS, RESIDING AT
THATARAMBATH HOUSE, P.O.MULUKUNNU,
KOYILANDY TALUK.

2. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.517 of 2007

Dated this the 27th day of February, 2007

ORDER

The petitioners are respondents 2 to 5 in an application filed by the 1st respondent under the provisions of the Protection of Women from Domestic Violence Act, 2005. The 1st respondent herein is the petitioner and her husband is the 1st respondent in that application. Petitioners are respondents 2 to 5 and they are the parents, brother and sister-in-law of the 1st respondent. Annexure-A is the petition filed by the 1st respondent. The learned Magistrate passed an interim exparte order (Annexure-B) under Section 23 of the said Act, restraining the petitioners herein from committing any act of domestic violence against the 1st respondent and from dispossessing her from the petition schedule building until further orders. On receipt of the said order, the petitioners appeared before the learned Magistrate and filed Annexure-C objection statement. They also filed Annexure-D application for taking out a commission to prepare an inventory of the movable articles in the house. The short contention of the petitioners is that the 1st respondent along with her relatives and alleged goondas was trying to take away the articles kept in the house of the petitioners. That application was filed on 17.02.2007. It was adjourned to 23.02.2007 and on 23.02.2007 it was again adjourned to 05.03.2007.

2. The short grievance of the petitioners is that the learned Magistrate has not imbibed the sense of urgency and expedition which is necessary while considering an application like Annexure-D. It is important that appropriate orders must be passed expeditiously. Any delay in the disposal of such an application would work out injustice and prejudice to the petitioners. In these circumstances, the counsel prays that there may be a direction for expeditious disposal of Annexure-D application.

3. I have no hesitation to agree with the learned counsel for the petitioners that such an application must be considered on merits and disposed of as expeditiously as possible. A reading of the provisions of the Protection of Women from Domestic Violence Act, 2005 must convey to the court the need for expedition in the disposal of a proceedings under the said Act. Unfortunately, the learned Magistrate, as rightly pointed out by the counsel for the petitioners, does not appear to have imbibed that sense of expedition which must inform all courts which have occasion to deal with a cause under the said Act.

4. In the nature of the order that I propose to pass, I am satisfied that it is not necessary to wait for issue and return of notice to the 1st respondent. I am satisfied that directions can be issued to the learned Magistrate to dispose of Annexure-D application, for issue

of a commission to take out an inventory of the articles in accordance with law as expeditiously as possible, at any rate - within a period of 3 days from 05.03.2007.

5. This Crl.M.C is, accordingly allowed - to the above extent.

6. Hand over a copy of this order to the learned counsel for the petitioners for immediate production before the learned Magistrate.

(R.BASANT, JUDGE)

rtr/-